

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND  
CULTURAL AFFAIRS**

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1556      Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education**

**RESOLVE 65  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 40: Rule for Medication Administration in Maine Schools, a major substantive rule of the Department of Education. The revisions to the rule are made pursuant to Public Law 2012, chapter 526 and pertain to the administration of epinephrine auto-injectors and training programs for the administration of epinephrine.

**Enacted Law Summary**

Resolve 2016, chapter 65 authorizes final adoption of portions of Chapter 40: Rule for Medication Administration in Maine Schools, a major substantive rule of the Department of Education. The revisions to the rule are made pursuant to Public Law 2012, chapter 526 and pertain to the administration of epinephrine auto-injectors and training programs for the administration of epinephrine.

Resolve 2016, chapter 65 was finally passed as an emergency measure effective March 22, 2016.

**LD 1576      An Act To Amend Certain Education Laws**

**PUBLIC 448  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL B LANGLEY B	OTP-AM	H-585

This bill provides that if a superintendent's decision regarding the transfer of a student receiving special education services to a school out of the student's school administrative unit is appealed to the Commissioner of Education or the State Board of Education and the commissioner or state board approves the transfer of the student, the state subsidy of special education costs for the transferred student may not be reduced as a result of the transfer.

The bill gives the commissioner the authority to designate a school administrative unit to enroll a student when the student's school administrative unit neither maintains a school nor contracts with another school administrative unit and no school administrative unit enrolls the student voluntarily. For a student receiving special education services, the bill requires a resident school administrative unit to pay to the receiving school administrative unit tuition, special education tuition, other costs directly related to the student's special education and costs associated with due process proceedings for providing a free, appropriate public education.

The bill allows the commissioner to designate the school administrative unit that is responsible for oversight of the individualized education program of a child with a disability who is a state ward and is placed in an out-of-state residential treatment center by the Department of Health and Human Services.

The bill authorizes the commissioner to provide additional funds to a school administrative unit based on a budgetary hardship resulting from a special education placement.

The bill also makes the following changes to the laws relating to public charter schools.

1. It allows charter schools authorized by a local school board or a collaborative among local school boards to give

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enrollment preference to residents of the school administrative unit or units whose school board or school boards authorized the charter school.

2. It extends the submission deadline for a charter school authorizer's annual report to the commissioner from 60 to 90 days after the end of the school fiscal year and adds language to address the disposition of graduation records and records of other students not transitioning to another Maine public school if a charter school closes.

3. It adds language to reflect that charter schools are subject to educator effectiveness requirements.

4. It provides that the compulsory attendance laws apply to virtual charter schools.

5. For a charter school in a school administrative unit with an enrollment of 500 or fewer students, current law caps the number of students from the school administrative unit that the charter school may enroll during its first three years of operation at 5% of the school administrative unit's noncharter public school students per grade level. The bill provides that if 5% of the school administrative unit's noncharter public school students per grade level is less than one, the charter school may enroll one student from the school administrative unit per grade level in each of the charter school's first three years of operation.

### **Committee Amendment "A" (H-585)**

This amendment makes the following changes to the bill.

1. It provides that once the Commissioner of Education makes a designation to enroll a student who resides in a school administrative unit that neither maintains a school nor contracts with another school administrative unit, the student must be enrolled in the receiving school administrative unit designated by the commissioner. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the State Board of Education review the transfer; the state board may approve or disapprove the commissioner's designation.

2. It amends the enrollment preference provision in the public charter school eligibility statute to require, rather than allow, as in the bill, a public charter school authorized by a local school board or by a collaborative among local school boards to give enrollment preference to residents of the school administrative unit or units whose school board or school boards authorized the public charter school.

3. It provides that, when the Department of Health and Human Services places a state ward in an out-of-state residential treatment center, the Commissioner of Education may designate the Department of Education as having responsibility for the oversight of the child's individualized education program.

4. It strikes the proposal in the bill that authorizes the commissioner to provide additional funds to a school administrative unit based on a budgetary hardship resulting from a special education placement.

### **Enacted Law Summary**

Public Law 2015, chapter 448 makes a number of amendments to the education statutes. The law accomplishes the following changes to the education laws.

1. It provides that if a superintendent's decision regarding the transfer of a student receiving special education services to a school out of the student's school administrative unit is appealed to the Commissioner of Education or the State Board of Education and the commissioner or state board approves the transfer of the student, the state subsidy of special education costs for the transferred student may not be reduced as a result of the transfer.

2. It gives the commissioner the authority to designate a school administrative unit to enroll a student when the student's school administrative unit neither maintains a school nor contracts with another school administrative unit

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and no school administrative unit enrolls the student voluntarily. For a student receiving special education services, the law requires a resident school administrative unit to pay to the receiving school administrative unit tuition, special education tuition, other costs directly related to the student's special education and costs associated with due process proceedings for providing a free, appropriate public education.

3. It provides that once the commissioner makes a designation to enroll a student who resides in a school administrative unit that neither maintains a school nor contracts with another school administrative unit, the student must be enrolled in the receiving school administrative unit designated by the commissioner. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the State Board of Education review the transfer; the state board may approve or disapprove the commissioner's designation.

4. It provides that, when the Department of Health and Human Services places a state ward in an out-of-state residential treatment center, the Commissioner of Education may designate the Department of Education as having responsibility for the oversight of the child's individualized education program.

5. It makes the following changes to the education laws relating to public charter schools:

A. Charter schools authorized by a local school board or a collaborative among local school boards are required to give enrollment preference to residents of the school administrative unit or units whose school board or school boards authorized the charter school;

B. The submission deadline for a charter school authorizer's annual report to the commissioner is extended from 60 to 90 days after the end of the school fiscal year and statutory language is added to address the disposition of graduation records and records of other students not transitioning to another Maine public school if a charter school closes;

C. Language is added to reflect that charter schools are subject to educator effectiveness requirements;

D. Language is added to provide that the compulsory attendance laws also apply to virtual charter schools; and

E. For a charter school in a school administrative unit with an enrollment of 500 or fewer students, current law caps the number of students from the school administrative unit that the charter school may enroll during its first three years of operation at 5% of the school administrative unit's noncharter public school students per grade level. The law provides that if 5% of the school administrative unit's noncharter public school students per grade level is less than one, the charter school may enroll one student from the school administrative unit per grade level in each of the charter school's first three years of operation.

Public Law 2015, chapter 448 was enacted as an emergency measure effective April 10, 2016.

**LD 1594      An Act To Direct the Commissioner of Education To Develop a Model  
Policy Regarding Substance Abuse Education in Maine Schools**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE J LANGLEY B	ONTP	

This bill requires the Commissioner of Education, in consultation with organizations that have expertise in substance abuse prevention education, to develop a model policy for substance abuse prevention education that is available to students in grades 6 to 12.